

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREENTREE FINANCIAL GROUP, INC.,

Plaintiff(s),

vs.

WORLD NATION LIVE ENTERTAINMENT
 INC.,

Defendant(s).

Case No. 2:16-cv-00972-GMN-NJK

ORDER

Pending before the Court is Plaintiff's motion for entry of clerk's default. Docket No. 12. Plaintiff submits that Defendant has failed to appear, despite having been served with a complaint and a summons issued by the Court. Docket No. 12-2 at 2. Accordingly, it requests entry of default against Defendant. *Id.* at 3.

When requesting entry of default under Federal Rule of Civil Procedure 55(a), the plaintiff must provide the clerk with the required proof of default. *Tiesing v. 357 Customs Inc.*, 2008 WL 1970226, at *1 (E.D. Cal. May 5, 2008) (citations omitted). To prove default, plaintiff must show that service was effectuated on the defendant. *Id.*


Federal Rule of Civil Procedure 4 requires service of a summons along with the operative complaint. Fed.R.Civ.P. 4(c)(1). A summons must be "signed by the clerk" and "bear the court's seal." Fed.R.Civ.P. 4(a). "This is not a mere technicality." *Taylor v. Logic 20/20 Inc.*, 2014 WL 1379603, *3 (W.D. Wash. Apr. 8, 2014). Rather, the issuance of a summons signed by the Clerk with the seal of

1 the Court is an essential element of the Court's personal jurisdiction over the defendant. *Id.* (collecting
2 authorities).

3 Here, there is no indication that Defendant was properly served with a summons issued by the
4 Court Clerk bearing the Court's seal. Prior to the filing of the present motion, no summons were issued
5 by the Court clerk in this case. *See* Docket. Further, Plaintiff attaches no valid summons to its motion.
6 *See* Docket No. 12-2. Plaintiff has therefore failed to establish default. Accordingly, Plaintiff's motion
7 for entry of clerk's default is hereby **DENIED**. *See Taylor*, 2014 WL 1379603, *3 (finding service
8 ineffective for failure to attach valid summons).

9 IT IS SO ORDERED.

10 DATED: July 6, 2016

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14 Nancy J. Koppe
15 United States Magistrate Judge
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